

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

**NOTICE OF ASSIGNMENT  
OF CASES FOR TRIAL  
February 4, 2013**

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Date and Location of Trial

Attached is a list of cases for trial before the undersigned beginning **February 4, 2013**, at 9:00 a.m., Courtroom 7C, 7th Floor, Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101. This calendar will run from **February 4 - 8, 2013**. Although listed in the order in which they are expected to be tried, counsel are on notice that cases may be called out of order, and each case is deemed ready for trial as of February 4, 2013. Counsel should be aware that, upon receipt of this notice, the Magistrate Judge assigned to each case will be scheduling a full settlement conference. Further, a pretrial conference will be scheduled by the Court once it is aware of the day certain of each case to be tried.

Documents to be Submitted for Trial

Unless otherwise ordered, counsel shall deliver two courtesy copies of the following documents marked to the attention of the Court's chambers and delivered to the Warren E. Burger Federal Building and United States Courthouse, Suite 100, St. Paul, Minnesota 55101 by **January 21, 2013**. (**Please Note:** all courtesy copies should be 3-hole punched. Courtesy copies of exhibits should be tabbed for easy identification, and if voluminous, placed in labeled 3-ring notebooks. Documents to be e-mailed to chambers should be sent in WordPerfect X5 or Microsoft Office Word 2010 format to Frank\_Chambers@mnd.uscourts.gov.)

1. Documents Required for **ALL TRIALS**:

Document	E-file	E-mail	No Later Than
A. <b>Statement of the Case.</b> A statement of the case indicating the facts which the party intends to prove and indicating any unresolved substantive, evidentiary and procedural issues. The statement shall include the citation and discussion of authority upon which the party relies for its positions on the unresolved issues.	✓	✓	January 21, 2013
B. <b>Exhibit List.</b> If exhibits are to be offered at trial, the following procedure must be followed: (i) Mark all exhibits for identification. All exhibits shall be marked, as much as possible, in the sequence they will be offered, with Arabic numbers. Each exhibit should also be marked with the case number. Example: Pltf. or Deft. #1 Civ. 04-397 (Multiple parties list name, e.g., Pltf. <u>Smith #1</u> )  (ii) Counsel shall make available for examination and, if requested, copying by all counsel, all exhibits which will be offered into evidence at trial. Only exhibits so made available shall be offered into evidence at trial, except for good cause shown.			January 21, 2013
(iii) Submit a list of exhibits that will be presented at trial on behalf of their client(s). The list shall indicate the exhibits the parties agree are admissible. For the exhibits not so agreed upon, the list shall include the grounds for objection. Only exhibits so listed shall be offered into evidence at trial, except for good cause shown.	✓	✓	January 21, 2013

Document	E-file	E-mail	No Later Than
C. <b>Witness List.</b> The list shall include the names and addresses of the witnesses, along with a short statement of the substance of the expected testimony of each witness. Only witnesses so listed shall be permitted to testify except for good cause shown.	✓	✓	January 21, 2013
D. <b>List of Deposition Testimony.</b> <ul style="list-style-type: none"> <li>(i) List of deposition testimony to be offered into evidence in lieu of live testimony. The list shall designate those specific parts of depositions to be offered at trial. Only depositions so listed shall be offered into evidence at trial except for good cause shown.</li> </ul>	✓	✓	January 21, 2013
<ul style="list-style-type: none"> <li>(ii) Any party who wishes to object to listed deposition testimony shall submit objections.</li> </ul>	✓	✓	January 28, 2013
E. <b>Motions in limine.</b> <ul style="list-style-type: none"> <li>(i) All motions must be filed as outlined in Local Rule 5.1. If a motion has tabbed attachments, please mail or deliver to 700 Federal Courts Building 316 North Robert Street, St. Paul, MN 55101 one copy marked to the attention of the Court's chambers.</li> </ul>	✓		January 21, 2013
<ul style="list-style-type: none"> <li>(ii) All responses to motions in limine must be filed as outlined in Local Rule 5.1. If a response has tabbed attachments, please mail or deliver to 700 Federal Courts Building 316 North Robert Street, St. Paul, MN 55101 one copy marked to the attention of the Court's chambers.</li> </ul>	✓		January 28, 2013

2. Additional Documents for **JURY TRIALS**. In all jury trials, counsel shall submit the following documents in addition to those listed above:

Document	E-file	E-mail	No Later Than
A. <b>Joint Statement of the Case.</b> The Court expects the parties to jointly submit a proposed statement of the case. The statement of the case should be a summary of the case, including the title, nature of the action, plaintiff's position, nature of the defense, and defendant's position. (The Court's intent is to give the parties input into the statement that will be read to the jury during voir dire.)	✓	✓	January 21, 2013
<b>B. Proposed Voir Dire Questions.</b>	✓	✓	January 21, 2013
C. <b>Proposed Jury Instructions.</b> Exceptions are provided for those instructions whose need could not be foreseen. Each proposed instruction shall be numbered and on a separate page and shall contain citation to legal authority. Jury instructions are to be submitted in the following format:  (i) The parties are required to jointly submit one set of agreed upon instructions. To this end, the parties are required to serve their proposed instructions upon each other two weeks prior to the filing deadline. The parties should then meet, confer, and submit one complete set of agreed upon instructions.	✓	✓	January 21, 2013
<b>D. Proposed Special Verdict Forms.</b>	✓	✓	January 21, 2013

3. Additional Documents for **NON-JURY TRIALS:**

Document	E-file	E-mail	No Later Than
<b>Proposed Findings of Fact and Conclusions of Law.</b> In all non-jury trials, counsel shall submit proposed findings of fact and conclusions of law in addition to the documents listed in section 1, above.	✓	✓	January 21, 2013

4. All documents shall be e-filed, e-mailed, and delivered by **4:30 p.m.** on their respective due date.

5. Counsel for all parties are strongly encouraged to meet prior to trial to:
- A. Stipulate to all uncontested facts and matters not in controversy.
  - B. Stipulate to which exhibits may be received without objection prior to trial.
  - C. Discuss settlement.

Failure to Comply

The failure of any party to comply with the procedures outlined herein shall result in the imposition of an appropriate sanction.

Questions regarding the calendar may be directed to Brenda Schaffer, Calendar Clerk to Judge Frank, 724 Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, Minnesota 55101, (651) 848-1296.

**UNDER THE SPEEDY TRIAL ACT, THE TRIAL OF CRIMINAL CASES MAY BE  
REQUIRED TO TAKE PRECEDENCE OVER THE TRIALS OF CIVIL CASES.**

Dated: September 27, 2012

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge

**BEFORE JUDGE DONOVAN W. FRANK**  
**Monday, February 4, 2013 - 9:00 a.m.**  
**Warren E. Burger Federal Building and United States Courthouse**  
**7th Floor, Courtroom 7C**  
**316 North Robert Street**  
**St. Paul, Minnesota**

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1.

Michael Joseph Roy, JURY TRIAL  
3 days  
v. CV 11-1258 (DWF/LIB)

Officer D.J. Regas, et al.

For Plaintiff : Zorislav R. Leyderman

For Defendants: Daniel P. Kurtz, Pamela L. VanderWiel, William J. Everett

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2.

Jane Marie Hall, JURY TRIAL  
2-3 Days  
v. CV 11-1269 (DWF/LIB)

Metropolitan Life Insurance Company, et al.

For Plaintiff: Konstandinos Nicklow

For Defendants: William D. Hittler, Gregory W. Deckert, Molly R. Miller

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3.

Tanner McCormack, et al.,

JURY TRIAL

3 - 4 Days

v. CV 07-2651 (DWF/JJK)

Minneapolis, Minnesota, City of, et al.

For Plaintiffs:

Jill Clark

For Defendants:

C. Lynne Fundingsland, Gregory P. Sautter, Reid R.  
Lindquist, Patrick M. Biren

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